

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUSSELL L. RUCKS, JR.,

Defendant.

4:22CR3030

ORDER

Defendant has moved to continue the trial, (Filing No. 59), because Defendant and defense counsel need additional time for expert review of cell phone downloads and a material witness for the government is unavailable. The case has been pending for eighteen (18) months, and defense counsel has represented the defendant from the outset. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds that one final continuance should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 59), is granted.
- 2) The trial of this case is set to commence before the Honorable John M. Gerrard, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska at 9:00 a.m. on December 11, 2023, or as soon thereafter as the case may be called, for a duration of eight (8) trial days. Jury selection will be held at commencement of trial.

No further continuances will be granted absent a substantial showing of good cause.

- 3) Expert witness disclosures as required under Rule 16 must be served on or before November 24, 2023.

- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between today's date and December 11, 2023 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 21st day of September, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge